



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

May 16, 2008

DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK, NY 10150-5257
US

Dear Sir/Madam,

Your refund request for 10520060 in the amount of \$200.00 has been denied .

Request for Reconsideration denied. Money was already returned 02/02/06.

Sincerely,

A handwritten signature in cursive script, reading "Phyllis M. Lawrence", is written over the typed name.

Phyllis M. Lawrence
PCT - National
703 308-9140 x231

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DARBY (SC) ARBY, PC
USPTO

1638

003/032

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FEB 25 2008

Docket No.: 04270/0202279-US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letters Patent of:
Christopher Benjamin Phelps et al.

U.S. Application No.: 10/520,060

International Application No. PCT/GB03/02844

I.A. Filing Date: July 2, 2003

For: LIGAND BINDING DOMAINS OF NUCLEAR
HORMONE RECEPTORS

REQUEST FOR RECONSIDERATION OF REQUEST FOR REFUND**ATTENTION: REFUND BRANCH**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant's hereby assert that the above-identified patent application is entitled to a refund in the amount of \$600.00, which was erroneously charged to our deposit account for a \$200.00 Examination fees and a \$400.00 Search fees without the express direction from Applicant to do so.

Applicant's respectfully draw the Examiner's attention to the fact that it is consistent with Applicant's practice to pay only the required National Stage Filing Fee upon entering the National Stage under 35 U.S.C. 371. Upon submission of the inventors Declaration, Applicant will simultaneously submit the Search and Examination fees. Applicant's also draw the Examiner's attention to our Transmittal Letter to the United States Designated /Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371 (copy attached) that remits only a payment of \$300.00 to cover the Basic national fee and gave authorization to the Office to charge our Deposit Account only if additional fees are required. Applicant's respectfully submit to the Examiner that

FEB 25 2008

Patent No.:

Docket No.: 04270/0202279-US0

the Basic national fee is what is required to start entry into the national stage rather than the Examination or Search fees. Therefore, the Examination and Search fees were not required to begin entry into the national stage. Hence, Applicants is entitled to a refund in the total amount of \$600.00.


For the convenience of the Examiner, attached is a copy of our Renewed Request for Refund filed on January 10, 2006 which provides evidentiary materials which helps to facilitate consideration of this Request for Reconsideration of Request for Refund. Also attached is a copy of the relevant pages of the Monthly Statement of Deposit Account evidencing the withdrawals.

Accordingly, Applicant's respectfully request that the Examiner reconsiders the decision and grant a refund in the amount of \$600.00 to be credited to the undersigned's Deposit Account No. 04-100.

Timely and favorable consideration of this request is requested. If the Examiner has any questions pertaining to this request, the Examiner is requested to contact the undersigned attorney at the telephone number below.

Dated: February 25, 2008

Respectfully submitted,

By 
Flynn Barrison
Registration No.: 53,970
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant

FEB 25 2008
LAP7 Rec'd PCT/PTO 10 JAN 2006Docket No.: 04270/0202279-USO
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Christopher B. Phelps et al.

U.S. Application No.: 10/520,060

Confirmation No.: 7248

International Application No. PCT/GB03/02844

I.A. Filing Date: July 2, 2003

Art Unit: Not Yet Assigned

For: LIGAND BINDING DOMAINS OF NUCLEAR
HORMONE RECEPTORS

Examiner: Not Yet Assigned

RENEWED REQUEST FOR REFUNDCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear S I R:

This Renewed Request is submitted responsive to the Decision dated December 16, 2005, denying Applicants' refund request in the amount of \$600.00 for the above-captioned patent application. Applicants respectfully request, through their undersigned attorneys and agents, that the Commissioner reconsider and grant their previous Request for Refund pursuant to 37 C.F.R. § 1.26. Copies of the following documents, which are discussed in the below Remarks, are attached to facilitate consideration of this Renewed Request.

Tab A: a copy of the "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371" (the "371 Transmittal") as submitted December 30, 2004;

Tab B: (Redacted) Monthly Statement of Deposit Account No. 04-0100, dated January 31, 2005;

Tab C: (Redacted) Monthly Statement of Deposit Account No. 04-0100, dated August 31, 2005; and

Tab D: a copy of the U.S. Patent and Trademark Office Decision dated December 16, 2005 (the "Decision").

The U.S. Patent and Trademark Office (the "PTO") erred when it charged Applicants the Examination and Search Fees for this application. Payment of those fees was not authorized. Those fees, which total \$600.00, should therefore be refunded to Deposit Account No. 04-0100 of the undersigned attorneys/agents. The reasons for this are set forth in the below Remarks.

REMARKS

I. Background

This application is a 371 of International Patent Application No. PCT/GB03/02844 (the "PCT Application"). On December 30, 2004, Applicants' undersigned attorneys/agents submitted a copy of the PCT Application to the United States Designated/Elected Office along with a "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371" (hereinafter referred to as the "371 Transmittal"). A copy of that 371 Transmittal is attached hereto, at Exhibit Tab A. The 371 Transmittal was accompanied by a check in the amount of \$300.00 to cover the Basic National Fee. However, no payment was submitted to cover either the Examination Fee, or the Search Fee. Instead, the 371 Transmittal authorized the Commissioner "to charge any additional fees which may be *required* or credit any overpayment to Deposit Account No. 04-0100 [the 'Deposit Account']." Tab A at page 2, Box 21(c) (emphasis added).

On or about January 12, 2005 the PTO charged an Examination Fee of \$200.00 for this application to the Deposit Account. A \$400.00 Search Fee for this application was charged to the Deposit Account on or about August 16, 2005. Copies of monthly Deposit Account Statements showing these charges are attached hereto, at Exhibit Tabs B and C, respectively.¹ Applicants filed a Request for Refund on October 19, 2005; requesting that these Examination and Search Fees be refunded, and credited to the Deposit Account. The PTO issued a decision denying that refund

¹ The PTO charged an additional Search Fee of \$500.00 to the Deposit Account on or about January 12, 2005. See Tab B. However, that Search Fee was refunded on or about August 16, 2005. See Tab C. Accordingly, Applicants are not requesting a refund of the additional Search Fee here.

request on or about December 16, 2005 (the "Decision"). A copy of the Decision is attached here at Tab D. The Decision stated that the Request for Refund had been denied because "[t]he authorization to charge any additional fees needed was selected for this application" (see Tab D). The Decision does not mention, and the PTO apparently did not consider, that the selected box only authorized the Commissioner "to charge any additional fees which may be *required*." Tab A at page 2, Box 21(c) (emphasis added).

II. Request for Reconsideration

In response to the Decision, Applicants respectfully request that the PTO reconsider the original Request for Refund on its merits, and that the original Request be granted. As explained above, the 371 Transmittal submitted with this application (Tab A) only authorized the Commissioner of Patents to Charge any additional fees that may be required – i.e., fees whose payments were necessary to begin entry into the national stage and thereby avoid abandonment of this application. See Tab A at page 2, Box 21(c). The Examination and Search Fees charged for this application were not required, neither to begin national phase entry nor to avoid abandonment of this application. Hence, the payment of these fees was not authorized and they should be refunded.

A. Payment of the Examination and Search Fees Was Not Required To Begin Entry Into the National Stage

37 C.F.R. § 1.495(b) sets forth what is required for entering the national stage in the United States. In particular, this rule states that:

To avoid abandonment of the application, the applicant shall furnish to the United States Patent and Trademark Office not later than the expiration of thirty months from the priority date:

- (1) A copy of the international application ... and;
- (2) The basic national fee (see § 1.495(a)).

Notably, Rule 495(b) does not require payment of either the Search or the Examination Fee to effectively enter national phase. Rather, the Rules of Practice provide for the late submission of these fees by the Applicants. Specifically, 37 C.F.R. § 1.495(c)(1) provides, in relevant part, that:

If applicant complies with paragraph (b) of this section before expiration of thirty months from the priority date, the Office will notify the applicant if he or she has omitted any of ...

- (iii) The search fee set forth in § 1.492(b); [or]
- (iv) The examination fee set forth in § 1.492(b).

Rule 495(c)(2) then provides that the Notice must set forth a time period to allow for the late payment of these fees. *See also* M.P.E.P. § 1893.01(a)(1). Hence, payment of Search and Examination Fees for this application is not required to begin entry into the national stage. An application is not abandoned if those fees are not submitted to begin national phase entry. Rather, the PTO's Rules of Practice and Manual of Patent Examining Procedure (M.P.E.P.) allow and provide established procedures for the late payment of these fees.

**B. Payment of the Examination and Search Fees
Was Not Authorized By Applicants**

On December 30, 2004, Applicants began the national phase entry of the PCT application into the United States, by submitting a copy of that application along with a check as payment of the Basic National Fee. Applicants also submitted a 371 Transmittal (Tab A), which authorized the Commissioner of Patents "to charge any additional fees *which may be required*" to the Deposit Account of their attorneys/agents. Tab A at page 2, Box 21 (c) (emphasis added). This 371 Transmittal did not authorize the PTO to charge any and all fees that *may* be needed for this application *in the future*. It authorized only the payment of fees that were *required* to begin national phase entry of the application, and avoid abandonment.

As explained above, neither the Examination nor the Search Fee was required to avoid abandonment of this application. To the contrary, both the PTO Rules of Practice and the Manual of Patent Examination Procedure (M.P.E.P.) establish that these fees may be paid after Applicants'

Application No.: 10/520,060

- 4 -

Docket No.: 04270/0202279-USO

initial 371 submission. See 37 C.F.R. § 1.495(b) and M.P.E.P. § 1893.01(a)(1). The Rules of Practice and the M.P.E.P. also set forth the standard procedure by which the PTO "shall" notify Applicants that these fees have been omitted, and provide a deadline for their late payment. See 37 C.F.R. § 1.495(c) and M.P.E.P. § 1893.01(a)(1).

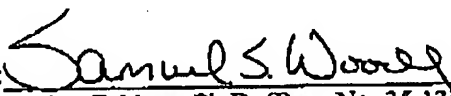
Since payment of the Search and Examination Fees was not required to avoid abandonment, their payment was not authorized in Applicants' 371 Transmittal. Charging those fees to the Deposit Account actually violates established PTO procedures and Rules of Practice. Instead, the PTO should have issued a Notice allowing for the late payment of those fees.

III. Conclusion

For all of the foregoing reasons, Applicants respectfully submit that the PTO erred when it charged Examination and Search Fees for this application to the Deposit Account. Those fees were not required; neither to begin national phase entry nor to avoid abandonment of this application. The 371 Transmittal therefore did not authorize the Commissioner to charge those fees to the Deposit Account. Applicants therefore respectfully request that their previous Request for Refund be reconsidered and granted; and that the Search and Examination Fees totaling \$600.00 be refunded to the Deposit Account No. 04-0100.

Dated: January 10, 2006

Respectfully submitted,

By: 
Paul F. Fehlner, Ph.D. (Reg. No. 35,135)
Samuel S. Woodley, Ph.D. (Reg. No. 43,287)
Jonathan M. Spenner, Ph.D. (Reg. No. 57,268)
Flynn Barrison (Reg. No. 53,970)
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7719
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant

Attachments:

- Tab A: a copy of the "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371" (the "371 Transmittal") as submitted December 30, 2004;
- Tab B: (Redacted) Monthly Statement of Deposit Account No. 04-0100, dated January 31, 2005;
- Tab C: (Redacted) Monthly Statement of Deposit Account No. 04-0100, dated August 31, 2005; and
- Tab D: a copy of the U.S. Patent and Trademark Office Decision dated December 16, 2005 (the "Decision").

Application No.: 10/520,060

- 6 -

Docket No.: 04270/0202279-US0

TAB A

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PTO-1590 (Rev. 12-2004)
Approved for use through 03/31/2007. OMB 0851-0021
U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 04270/0202279-USO
INTERNATIONAL APPLICATION NO. PCT/GB2003/002844	INTERNATIONAL FILING DATE 2 July 2003	PRIORITY DATE CLAIMED 2 July 2002
TITLE OF INVENTION LIGAND BINDING DOMAINS OF NUCLEAR HORMONE RECEPTORS		
APPLICANT(S) FOR DO/EO/US Christopher B. Phelps et al.		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
- ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
- ☐ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
- ☐ The US has been elected (Article 31).
- ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - ☒ is attached hereto (required only if not communicated by the International Bureau).
 - ☐ has been communicated by the International Bureau.
 - ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
 - ☐ is attached hereto.
 - ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
- ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - ☐ are attached hereto (required only if not communicated by the International Bureau).
 - ☐ have been communicated by the International Bureau.
 - ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - ☐ have not been made and will not be made.
- ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
- ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
- ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11 to 20 below concern document(s) or information included:

- ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- ☒ A preliminary amendment.
- ☒ An Application Data Sheet under 37 CFR 1.76.
- ☐ A substitute specification.
- ☐ A power of attorney and/or change of address letter.
- ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
- ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
- ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
- ☒ Other items or information: Affirmation of Claim for Priority; Copy of Form PCT/IB/104; Certificate of Express Mailing; Return Receipt Postcard

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PTO-1390 (Rev. 12-2004)

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U.S. APPLICATION NO. (if known, see 37 CFR 1.51)		INTERNATIONAL APPLICATION NO. PCT/GB2003/002844		ATTORNEY'S DOCKET NUMBER 04270/0202279-USO	
21. The following fees are submitted:					
<input checked="" type="checkbox"/> a) Basic national fee				\$300.00	\$ 300.00
<input type="checkbox"/> b) Examination fee				\$200.00	\$
<input type="checkbox"/> c) Search fee				\$500.00	\$
TOTAL OF ABOVE CALCULATIONS =				\$1000.00	\$
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
152 - 100 =	52 / 50 =	2	x \$250.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		x	\$	
Independent claims	- 3 =		x	\$	
MULTIPLE DEPENDENT CLAIM(s) (if applicable)				+	\$
TOTAL OF ABOVE CALCULATIONS =				\$	300.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
SUBTOTAL =				\$	300.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				+	\$
TOTAL NATIONAL FEE =				\$	300.00
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$
TOTAL FEES ENCLOSED =				\$	300.00
				Amount to be refunded:	\$
				Amount to be charged:	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$ 300.00 to cover the above fees is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 04-0100. A duplicate copy of this sheet is enclosed.					
d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:				SIGNATURE: <u>Paul F. Fehner, Ph.D.</u>	
Paul F. Fehner, Ph.D. DARBY & DARBY P.C. P.O. Box 5257 New York, New York 10150-5257 (212) 527-7885				NAME	
CUSTOMER NUMBER: 07278				REGISTRATION NUMBER 35,135	

(W:\04270\0202279us0\00331044.DOC [REDACTED]) FORM PTO-1390 (REV 12-2004)

page 2 of 2

TAB B



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payable to Director of Patents & Trademarks.

DARBY & DARBY P.C.
ANGELINA DILULLO
805 THIRD AVENUE
27TH FLOOR
NEW YORK NY 10022-7513

FINA

Account No.	040100
Date	1-31-05
Page	1

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Chicago, IL 60673

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Account No.	040100
Date	1-31-05
Page	2

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Chicago, IL 60673

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Account No.	040100
Date	1-31-05
Page	3

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DATE POSTED MO. DAY YR.	CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
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Account No.	040100
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Page	4

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ANGELINA DILULLO
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Date	1-31-05
Page	5

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UNITED STATES PATENT AND TRADEMARK OFFICE

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Account No.	040100
Date	1-31-05
Page	6

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 MUST ALWAYS BE ON DEPOSIT.

OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
59958.02	28333.00	27514.00	59139.02

TAB C

**United States
Patent and
Trademark Office****Deposit Account Statement**

Requested Statement Month: August 2005
Deposit Account Number: 040100
Name: DARBY & DARBY P.C.
Attention: ANGELINA DI LULLO
Address: 806 THIRD AVENUE
City: NEW YORK
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Zip: 10022-7513
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DATE SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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08/16 1	10520060	04270/0202278-US0	1632	-\$500.00	\$48,688.02 ←
08/16 2	10520080	04270/0202278-US0	1642	\$400.00	\$48,188.02 ←

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Page 4 of 4

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TAB D



J. Spenner

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DATE: *01/02/06*

0427062022-A

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December 16, 2005

DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK, NY 10150-5257
US

Dear Sir/Madam,

Your refund request for 10520060 in the amount of \$600.00 has been denied.

The authorization box to charge any additional fees needed was selected for this application.

Sincerely,

Rita White

RITA WHITE
PCT - National
703 308-9140 x231

P.O. Box 1450, Alexandria, Virginia 22313-1450 - www.USPTO.gov

10/19/2005 14:48 FAX 212 753 6237

DARBY & DARBY PC

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DATE POSTED MO. DAY YR.	CONTROL NO.	DESCRIPTION CHNL, PRNT, TR, ORDR	DOCKET NO.	FOX CODE	CHARGES/ CREDITS	BALANCE
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14 05	86	10947394	04634/0201918-USO	1051	130.00	74119.02
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MS0308 01/0000 PAGE 58 * RCVD AT 10/19/2005 2:48:58 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-630 * DMS:2738300 * CSID:2127536237 * DURATION (mm:ss):02:39

PAGE 28/32 * RCVD AT 2/25/2008 3:28:21 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-5142 * DMS:2738300 * CSID:212 608 6732 * DURATION (mm:ss):07:38

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8 11 05	284	60603315	03818/1201175-USI	8007	20.00	48224.02
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8 16 05	2	10520060	04270/0202279-USO	1642	400.00	48186.02
8 16 05	4	10524938		9204	-100.00	48286.02
8 16 05	24	11012972	02309/0202230-USO	1251	120.00	48166.02
8 16 05	39	PCT/US05/28087	2202535-W00	1602	700.00	47466.02
8 16 05	45	PCT/US05/28086	2202534-W00	1602	700.00	46766.02
8 16 05	69	10507781	20241/020845-USO	1251	120.00	46646.02
8 16 05	74	10902592	20074/0200681-USO	1251	120.00	46526.02
8 16 05	74	10978242	20195/0201917-USO	1252	450.00	46076.02
8 16 05	75	10902592	20074/0200681-USO	1201	200.00	45876.02
8 16 05	98	10257428	09492/000H149-USO	8021	40.00	45836.02
8 16 05	193	6775848		8021	40.00	45796.02
8 16 05	197	11129668	08226/0202767-USO	8021	40.00	45756.02
8 16 05	325	11202867	20343/1202391-USI	1202	700.00	45056.02
8 17 05	29	11068783	20343/1202359-US2 (411C1)	2081	125.00	44931.02
8 17 05	224	60693870	05432/1201616-USI	8007	240.00	44691.02
8 17 05	229	60586370	05432/0201616-USO	8007	40.00	44651.02
8 18 05	1	11111686	00342/100H395-US4	1081	250.00	44401.02
8 18 05	17	10760704		9204	-750.00	45151.02
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PAGE 08 * RCVD AT 10/18/2005 2:48:58 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-430 * DNIS:2738360 * CSID:212 763 6237 * DURATION (mm:ss):02:35

PAGE 29/32 * RCVD AT 2/25/2008 3:28:21 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-5142 * DNIS:2738300 * CSID:212 608 6732 * DURATION (mm:ss):07:38

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PTO-1390 (Rev. 12-2004)

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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 04270/0202279-USO
INTERNATIONAL APPLICATION NO. PCT/GB2003/002844		U.S. APPLICATION NO. (if known, see 37 CFR 1.5)
INTERNATIONAL FILING DATE 2 July 2003	PRIORITY DATE CLAIMED 2 July 2002	
TITLE OF INVENTION LIGAND BINDING DOMAINS OF NUCLEAR HORMONE RECEPTORS		
APPLICANT(S) FOR DO/EO/US Christopher B. Phelps et al.		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
- ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
- ☐ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
- ☐ The US has been elected (Article 31).
- ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - ☒ is attached hereto (required only if not communicated by the International Bureau).
 - ☐ has been communicated by the International Bureau.
 - ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
 - ☐ is attached hereto.
 - ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
- ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - ☐ are attached hereto (required only if not communicated by the International Bureau).
 - ☐ have been communicated by the International Bureau.
 - ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - ☐ have not been made and will not be made.
- ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
- ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
- ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 38 (35 U.S.C. 371 (c)(5)).

Items 11 to 20 below concern document(s) or information included:

- ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- ☒ A preliminary amendment.
- ☒ An Application Data Sheet under 37 CFR 1.76.
- ☐ A substitute specification.
- ☐ A power of attorney and/or change of address letter.
- ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
- ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
- ☐ A second copy of the English language translation of the International application under 35 U.S.C. 154(d)(4).
- ☒ Other items or information: **Affirmation of Claim for Priority; Copy of Form PCT/IB/304; Certificate of Express Mailing; Return Receipt Postcard**

(W:10427010202279us0100331044.DOC 10427010202279USO)

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/GB2003/002844		ATTORNEY'S DOCKET NUMBER 04270/0202279-USO	
21. The following fees are submitted:					
<input checked="" type="checkbox"/>	a) Basic national fee	\$300.00	\$	300.00	
<input type="checkbox"/>	b) Examination fee	\$200.00	\$		
<input type="checkbox"/>	c) Search fee	\$500.00	\$		
TOTAL OF ABOVE CALCULATIONS =			\$	1800.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
152 - 100 =	52 / 50 =	2	x \$250.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).			\$		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		x	\$	
Independent claims	- 3 =		x	\$	
MULTIPLE DEPENDENT CLAIM(s) (if applicable)			+	\$	
TOTAL OF ABOVE CALCULATIONS =			\$	300.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					
SUBTOTAL =			\$	300.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).			+	\$	
TOTAL NATIONAL FEE =			\$	300.00	
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.25, 3.31). \$40.00 per property			+	\$	
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				Amount to be refunded:	\$
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c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 04-0100. A duplicate copy of this sheet is enclosed.					
d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2035.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:			SIGNATURE: <u>Paul F. Fehner (53,170)</u>		
Paul F. Fehner, Ph.D. DARBY & DARBY P.C. P.O. Box 5257 New York, New York 10150-5257 (212) 527-7665 CUSTOMER NUMBER: 07278			NAME: Paul F. Fehner, Ph.D.		
			REGISTRATION NUMBER: 35,135		

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page 2 of 2



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DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

December 16, 2005

DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK, NY 10150-5257
US

Dear Sir/Madam,

Your refund request for 10520060 in the amount of \$600.00 has been denied.

The authorization box to charge any additional fees needed was selected for this application.

Sincerely,

Rita White
RITA WHITE
PCT - National
703 308-9140 x231

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